

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ESTEBAN MORALES,

Defendant.
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:
: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/
: MONEY JUDGMENT
:
: S2 22 Cr. 485 (VB)

WHEREAS, on or about October 3, 2023, ESTEBAN MORALES (the "Defendant"), was charged in a one-count Superseding Information, S2 22 Cr. 485 (VB) (the "Information"), with narcotics conspiracy, in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, 853, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses and any and all property used, or intended to be used, in any manner or part, to commit, or facilitate the commission of the offenses offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about October 3, 2023, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information, and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, a sum of money

equal to \$9,900.00 in United States currency, representing the proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$9,900.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained;

WHEREAS, the Defendant agrees to make a payment to the Government in the amount of \$9,900 in United States currency to be applied towards the satisfaction of the forfeiture money judgment imposed by this Court ^{no later than 90 days after/} ~~on or before~~ Defendant's sentencing in this case (the "Payment"); and

WB

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Kaiya Arroyo and Qais Ghafary, of counsel, and the Defendant and his counsel, Michael Burke, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$9,900.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant ESTEBAN

MORALES, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. The Defendant shall make the Payment on or before sentencing in this case.

6. The Government agrees not to take any action, pursuant to Title 18, United States Code, Section 853(p), seeking the forfeiture of substitute assets of the Defendant provided the Defendant makes the Payment. Upon receipt of the Payment, the Government shall accept the Payment in full satisfaction of the Money Judgment.

7. If the Defendant fails to make the Payment the Government may take action pursuant to Title 18, United States Code, Section 853(p).

8. Subject to the terms set forth above, pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure. *This order shall become effective 90 days after sentencing (i.e., April 10, 2024).* WB

11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:

Kaiya Arroyo
KAIYA ARROYO
QAIS GHAFARY
Assistant United States Attorneys
50 Main Street, Ste 1100
White Plains, NY 10606
(914) 993-1930/1919

10/1/2023
DATE

ESTEBAN MORALES

By:

Esteban Morales
ESTEBAN MORALES

10/3/23
DATE

By:

Michael K. Burke
MICHAEL BURKE, ESQ.
Attorney for Defendant

10/3/23
DATE

SO ORDERED:

Vincent L. Bricetti
HONORABLE VINCENT L. BRICETTI
UNITED STATES DISTRICT JUDGE

1/11/24
DATE